

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

BRANDON HESTER

PLAINTIFF

VS.

CASE NO.: 3:14-cv-00108-CWR-LRA

AMERICAN FIDELITY
ASSURANCE COMPANY

DEFENDANT

AGREED ORDER GRANTING MOTION TO REMAND

THERE CAME on for hearing the motion of the Plaintiff, Brandon Hester, to remand this case to the Circuit Court of Smith County, Mississippi, and the Court, for good cause shown, noting the representation of the Plaintiff that the amount in controversy does not currently, nor ever will exceed \$74,500, finds that subject to the terms and conditions set forth in this Order, the motion is well-taken and should be granted, and the case should be remanded to the Circuit Court of Smith County, Mississippi.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is to be remanded to the Circuit Court of Smith County, Mississippi, and that upon remand, Plaintiff within ten (10) days of the entry of this Order, shall file in the state court proceeding true and correct copies of the Affidavit and Amended Affidavit, which Plaintiff submitted to this Court in support of his motion to remand, stipulating that the Plaintiff is not seeking nor ever will seek more than \$74,500, will not ask a jury for more than \$74,500, will not accept an award of greater than \$74,500 at the trial of this matter, and waives his right to amend his pleadings in any manner that would allow recovery of more than \$74,500.

SO ORDERED this the 13th day of March, 2014.


UNITED STATES DISTRICT JUDGE

AGREED AND APPROVED:

s/ Eugene Tullos

Eugene C. Tullos - Bar # 8302

Attorney for Plaintiff

s/ Michael R. Kelly

Michael R. Kelly - Bar # 103547

Attorney for Defendant